

ORDINANCE NO. 12-50

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE V. ZONING DISTRICT REGULATIONS, DIVISION 1. GENERALLY, OF THE CODE OF ORDINANCES AND IN PARTICULAR, REVISING HIALEAH CODE § 98-411 ENTITLED "CLASSIFICATION OF DISTRICTS" TO UPDATE THE LIST OF MUNICIPAL ZONING DISTRICT CLASSIFICATIONS REFERENCED IN THE CODE OF ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its regularly scheduled meeting of August 22, 2012 recommended approval of this ordinance; and

WHEREAS, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government; and

WHEREAS, the specific intent and purpose of this ordinance is to update the Hialeah Code in order to indentify all zoning districts within the City of Hialeah, including zoning districts in the Annexation Area.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 1. Generally, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Hialeah Code § 98-411 entitled "Classification of districts", to read as follows:

Chapter 98

ZONING

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ARTICLE V. ZONING DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 98-411. Classification of districts.

In order to classify, regulate and restrict the uses of land and buildings, to regulate and restrict the height and bulk of buildings, to regulate the area of yards and other open spaces about buildings, and to regulate the intensity of land use, the city is divided into classes or districts to be known as follows:

A	Agricultural district
R-1	One-family district
R-2	One- and two-family residential district
R-3	Multiple-family district
R-3-1	Multiple-family district, not more than one story
R-3-2	Multiple-family district, not more than two stories
R-3-3	Multiple-family district, not more than three stories
R-3-4	Multiple-family district, not more than four stories
R-3-5	Multiple-family district, unlimited height
R-3-D	Multifamily district
R-4	Townhouses
REC	Recreation District
RO	Residential office district
R-Z	Residential zero lot line district
CR	Commercial-residential district
<u>CMRU</u>	<u>Commercial-residential mixed use district</u>
OPS	Office and professional services district
B-1	Highly restricted retail district
CBD	Central business district
<u>NBD</u>	<u>Neighborhood business district</u>
C-1	Restricted retail commercial district
C-2	Liberal retail commercial district
C-3	Extended liberal commercial district
C-4	Commercial district
M	Industrial park district

M-1	Industrial district
M-2	Industrial district
M-3	Industrial district
GUD	Government use district
K	Kennel district
ASD	Automobile sales district
HDUC	Hialeah downtown urban center District
EHDUC	<u>Extended Hialeah downtown urban center district</u>
P	<u>Parking</u>
HPD	<u>Hialeah park district</u>
	<u>Okeechobee rapid transit zone district</u>

Hialeah Heights

	<u>Residential development district</u>
RH-1	<u>One family district</u>
RH-3-M	<u>Multiple family district</u>
RH-3-MM	<u>Multiple family district</u>
BDH	<u>Business development district</u>
MH	<u>Industrial district</u>

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections

of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

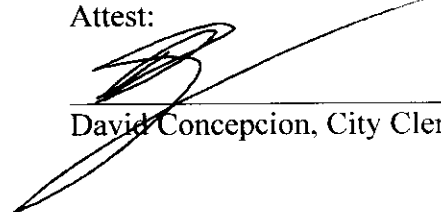
PASSED AND ADOPTED this 11 day of September, 2012.

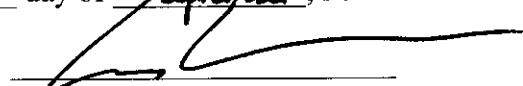
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Isis Garcia Martinez
Council President

Attest:

Approved on this 13 day of September, 2012.


David Concepcion, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodniek, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a unanimous vote with Council Members, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".